

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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PETER MCCLUSKEY,

Plaintiff,

-against-

NUNZIATA, *as Commissioner of Nassau County  
Social Services, in her official capacity, and*  
CURRAN, *as Executive of Nassau County,  
in her official capacity,*

Defendants.

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**AZRACK, United States District Judge:**

For Online Publication Only

**ORDER**  
21-CV-04483 (JMA) (SIL)

**FILED  
CLERK**

11:58 am, Jan 13, 2023

**U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE**

Before the Court are the objections of Plaintiff Peter McCluskey filed in response to Magistrate Judge Arlene L. Lindsay’s Report and Recommendation (ECF No. 47, “R&R”), which recommends that the Court deny Plaintiff’s motion for leave to file a second amended complaint. For the following reasons, Plaintiff’s objections to the R&R are **OVERRULED**, and his motion to amend is **DENIED**.

In reviewing a magistrate judge’s report and recommendation, a court must “make a de novo determination of those portions of the report or . . . recommendations to which objection[s] [are] made.” 28 U.S.C. § 636(b)(1)(C); see also United States ex rel. Coyne v. Amgen, Inc., 243 F. Supp. 3d 295, 297 (E.D.N.Y. 2017), aff’d sub nom. Coyne v. Amgen, Inc., 717 F. App’x 26 (2d Cir. 2017). The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Those portions of a report and recommendation to which there is no specific reasoned objection are reviewed for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

The Court finds no clear error in the portions of Magistrate Judge Lindsay’s R&R to which there are no objections. Next, the Court turns to the portions of the R&R to which Plaintiff has

objected. After conducting a de novo review of the full record (including the motion papers, R&R, and objections) and applicable law, the Court agrees with Magistrate Judge Lindsay's recommendations, and therefore adopts the R&R in its entirety as the opinion of the Court. Accordingly, Plaintiff's motion to amend is DENIED.

An in-person status conference is scheduled for February 16, 2023 at 12:00 p.m. in Courtroom 920 of the Central Islip Courthouse, 100 Federal Plaza, Central Islip, New York.

The Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff at his address of record.

**SO ORDERED.**

Dated: January 13, 2023  
Central Islip, New York

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/s/ (JMA)  
JOAN M. AZRACK  
UNITED STATES DISTRICT JUDGE